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ABSTRACT

This booklet uses a question-and-answer format to provide information on the 1990 reauthorization of the Vocational Education Act of 1963, focusing primarily on provisions which guarantee students with disabilities access to quality vocational programs and the supplementary services needed for their successful completion of such programs. The booklet discusses the purpose of the legislation, state distribution of funds, use of funds, rights and responsibilities afforded individuals with disabilities, transitional service requirements, required services, students in private schools, law enforcement and monitoring, program evaluation, standards for program evaluation, data collection, special new programs, and provisions for gifted and talented individuals. (JDD)

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Federal Policy on Vocational Education for Exceptional Students: Q & A Guide to The Carl D. Perkins Act of 1990

Prepared by
Office of Governmental Relations
The Council for Exceptional Children

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Introduction

The federal role in vocational education in public schools began with the Smith-Hughes Act of 1917. This Act allocated funds to states to encourage high schools to provide more practical occupational training.

The Vocational Education Act of 1963 and the subsequent 1968 Amendments made major changes in federal vocational education policy. In the 1963 Act, Congress targeted aid toward particular disadvantaged groups. At that time, and during subsequent years, CEC believed that individuals with disabilities were not enjoying satisfactory access to vocational programs, and that targeting a specific percentage of funds to this population was necessary to reverse this inequitable access. Therefore, during the 1968 reauthorization process, CEC urged Congress to set aside a specific percentage of the state's basic grant for the purpose of providing services for students with disabilities within the vocational education system. Congress responded by creating set-asides for certain populations, including a 10% set-aside for individuals with disabilities. Later, provisions designed to increase pressure on state and local agencies to serve youth with disabilities in vocational education were added.

During the 1990 reauthorization process, various individuals and organizations expressed concern with the overall structure of the Act, particularly in relation to the set-asides. Concerns were expressed regarding the relatively small size of the set-aside grants, which were felt to be too insignificant to be of much use. In addition, because of insufficient monitoring, it was felt by many that local recipients were not always using the money for the purposes for which it was intended. A study conducted by the Government Accounting Office supported these concerns.

Despite opposition from CEC and the disability community, the set-asides were eliminated in order to provide schools with greater flexibility and more funds for overall program improvement. A new funding formula was designed to target money to those school systems serving the largest numbers of disadvantaged students and students with disabilities.

In order to ensure that individuals with disabilities have access to vocational programs, Congress, at the urging of CEC and other organizations, included specific language designed to guarantee students with disabilities access to quality vocational programs, as well as the supplementary services needed for their successful completion of such programs. The following summary focuses on those provisions of the new law relating to exceptional students.

Questions and Answers Regarding the New Provisions Relating to Exceptional Students

What is the purpose of this legislation?

The purpose of this Act is to make the United States more competitive in the world economy by developing more fully the academic and occupational skills of all segments of the population. This purpose will be achieved principally through concentrating resources on improving educational programs leading to academic and occupational skill competencies needed to work in a technologically advanced society.

Who are members of the "special populations"?

Members of the special populations are individuals with disabilities, individuals who are economically and educationally disadvantaged (including migrant and foster children), individuals with limited English proficiency, individuals who participate in programs to eliminate sex bias, and individuals in correctional institutions.

STATE DISTRIBUTION OF FUNDS

How will the states distribute the funds to eligible secondary school programs?

States will distribute funds for secondary vocational programs on the following basis:

a. Seventy percent according to the Chapter 1 count. This count consists of the number of economically disadvantaged students who are eligible for services under Section 1005 of the Elementary and Secondary Education Act of 1965 (i.e., the Chapter 1 Program).

b. Twenty percent according to the count of students served under the Education of the Handicapped Act (EHA). This count refers to the number of students with disabilities in each state who are eligible to receive special education and related services under EHA.

c. Ten percent according to the overall number of students served by the local educational agencies (LEAs).

How will funds be distributed to eligible postsecondary programs?

The Secretary will distribute funds to postsecondary programs based on (a) the number of Pell grant recipients in each institution, and (b) the number of recipients of assistance from the Bureau of Indian Affairs enrolled in approved vocational programs. Pell grants are awarded to individual students on the basis of economic need.

USE OF FUNDS

How will the states use the funds?

Seventy-five percent of the funds received by the state must be used for secondary and postsecondary vocational education programs. Of the remaining 25%:

a. Ten-and-one-half percent will be available for programs for single parents, displaced homemakers, single pregnant women, and sex equity programs.

b. Eight-and-one-half percent will be available for state programs, such as professional development activities, and the development of performance standards and measures for evaluating vocational programs.

c. Five percent may be used for administration of the state plan. A portion of this money may be used to ensure compliance with all applicable federal laws, including requirements and activities for individuals who are members of the special populations.

d. One percent will be available for programs for criminal offenders.

How will the LEAs use the funds?

Each recipient is required to use funds to improve vocational education programs, with the full participation of individuals who are members of the special populations. Funding priority must be given to sites or programs that serve the highest concentrations of these populations.

Funds must be used in programs that: (a) are of such size and quality as to be effective; (b) integrate academic and vocational education through coherent sequences of courses; and (c) provide equitable participation in such programs for individuals who are members of the special populations.

In carrying out the above provisions, funds may be used for, among other things: (a) adaptation of equipment; (b) providing supplemental services designed to meet the needs of the special populations; and (c) providing a special populations coordinator to ensure that individuals who are members of special populations are receiving adequate services and job skill training.

RIGHTS AND RESPONSIBILITIES

What rights are afforded individuals with disabilities under the Act?

The law stipulates that individuals who are members of special populations be provided with equal access to recruitment, enrollment, and placement activities. In addition, they must be provided with equal access to the full range of vocational education programs available to individuals who are not members of special populations, including occupationally specific courses of study, cooperative education, apprenticeship programs, and, to the extent practicable, comprehensive guidance and counseling services. Vocational education must be provided to individuals with disabilities in the least restrictive environment, and will, whenever appropriate, be included as a component of the student's individualized education program (IEP), as developed under Section 614 (a)(5) of the EHA.

Vocational education planning for students with disabilities will be coordinated between appropriate representatives of vocational education, special education, and state vocational rehabilitation agencies. The provision of vocational education to such students must be monitored to ensure that such education is consistent with the student's IEP.

What is an IEP?

An IEP is a written statement for a child with a disability which addresses the individual learning needs of that particular child. The IEP must contain the following components: (a) a statement of the child's present level of performance; (b) a statement of annual goals, including short-term instructional objectives; (c) a statement of the specific educational services to be provided to the child and the extent to which the child will participate in regular educational programs; and (d) the projected date for the initiation and the anticipated duration of such services.

Under the newly reauthorized EHA, schools will be required to include a statement of needed transitional services in the IEPs of all students 16 years of age and

over, and to the extent appropriate, for students age 14 or younger.

"Transition Services" are defined as a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to integrated employment (including supported employment), postsecondary education, vocational training, continuing and adult education, adult services, independent living, or community participation.

The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include but not be limited to instruction, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, the acquisition of daily living skills and functional vocational education.

Students with disabilities who have IEPs will have, in addition to the rights specified in the first question in this section, all the rights and protections guaranteed under Sections 612, 614, and 615 of EHA. Such rights and protections include education in the least restrictive environment, parental participation, procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement will be selected and administered so as not to be racially or culturally discriminatory, parental participation, due process, and all procedural safeguards.

What are the "transistional service requirements" of Section 626 of the EHA?

Section 626 of the EHA provides grants to institutions of higher education, state educational agencies (SEAs), LEAs, or other appropriate entities for the purpose of assisting students with disabilities in their transition from secondary programs to postsecondary education, vocational training, competitive employment, or adult services. The programs are intended to stimulate the improvement of the vocational and life skills of students with disabilities, to better prepare them for adult life.

Under the newly reauthorized EHA, SEAs and state vocational rehabilitation agencies will be able to apply for joint, one-time grants to help states create a consistent, coordinated, and comprehensive delivery system for transition services using funds from a variety of state and federal sources.

What about students with disabilities who don't have IEPs?

In addition to the rights specified under this act (see the first question in this section) students with disabilities who do not have IEPs will have the rights and protections guaranteed under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, which prohibit discrimination on the basis of disability. Such rights and protections will include making vocational education programs readily accessible to eligible individuals with disabilities through the provision of supplementary services.

What services must the vocational education system provide to individuals with disabilities?

Each recipient of money provided under this act must provide assurances that the recipient will do the following:

a. Assist students who are members of the special populations to enter vocational programs and, with respect to students with disabilities, assist in fulfilling the transitional service requirements of Section 626 of the EHA.

b. Assess the special needs of students participating in such programs with respect to their successful completion of the vocational education program in the most integrated setting possible.

c. Provide supplementary services to individuals with disabilities, such as curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

d. Provide guidance, counseling, and career development activities conducted by professionally trained counselors and teachers who are associated with the provision of such services.

e. Provide counseling and instructional services designed to facilitate the transition from school to post-school employment and career opportunities.

Are any provisions made for students with disabilities enrolled in private schools?

Each state plan must contain assurances that, to the extent consistent with the number and location of individuals who are members of special populations who are enrolled in private secondary schools, provision is made for the participation of such students in the programs assisted under this Act.

How will parents and students be made aware of the rights and services available to them under this Act?

Each LEA must provide students who are members of special populations and their parents, at least one year before the students are of an appropriate age and grade level to enter a vocational program, information concerning the opportunities available in vocational education, the requirements for eligibility for enrollment in such programs, specific courses that are available, employment opportunities, and placement. The information must be provided, to the extent practicable, in a language and form that the students and parents understand.

What rights and protections will be afforded students in postsecondary programs?

In most cases, students with disabilities are eligible for services under EHA only until they (a) attain the age of 21, or (b) exit the secondary educational system through graduation. Therefore, students with disabilities in postsecondary programs are entitled to the rights and protections of Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, as well as the rights specified under this act (see earlier questions in this section).

MONITORING AND ENFORCEMENT PROVISIONS

How will the law be enforced or monitored?

Any state receiving funding under this Act must designate the head of the state office responsible for administering part B of EHA to review the implementation of the provisions of this Act as they pertain to students with disabilities. They will review all or a representative sample of plans of eligible recipients to ensure the following:

a. Individuals with disabilities are receiving vocational educational services.

b. The plans of the eligible recipients provide assurances of compliance with Section 504 and EHA.

c. Eligible recipients have (a) identified the number of students with disabilities enrolled in vocational programs operated by the recipient; (b) assessed the needs of those students; and (c) developed an adequate plan to provide supplementary services sufficient to meet the needs of such students.

At the federal level, the Secretary is required to make every effort to provide adequate monitoring of compliance by recipients of assistance under the Act. Monitoring activities shall be developed by the Secretary in consultation with parents, students, and advocacy organizations, and must do the following:

a. Consider items such as whether the state-level coordinators for individuals who are members of special populations are able to review the local plans for serving such individuals.

b. Provide input from students, parents, teachers, and special populations in the state.

How will program effectiveness be evaluated and assessed in terms of meeting the needs of individuals with disabilities?

Each recipient must annually evaluate the effectiveness of the program conducted with assistance provided under this Act based on standards and measures which the state will be required to develop under other provisions of this law (see the following question). As part of the evaluation, each recipient will review programs, with the full and informed participation of representatives of individuals who are members of special populations, to: (a) identify and adopt strategies to overcome any barriers which are resulting in lower rates of access to vocational education programs or success in such programs; and (b) evaluate the progress of individuals who are members of special populations in vocational programs.

If, within the first year of implementation, the recipient is not making substantial progress in meeting the state standards, the recipient must develop an improvement plan. The plan must contain, if necessary, a description of strategies designed to improve supplementary services provided to individuals who are members of the special populations.

How will the states develop the standards and measures for program evaluation?

Each state receiving funds under this Act must, within the 30-day period beginning upon enactment, appoint a State Committee of Practitioners to review and revise the standards and measures developed by the State Board of Vocational Education after consulting, among others, representatives of the special populations, parents, and the state administrator responsible for programs operated under Part B of EHA.

DATA COLLECTION

How will we determine the impact of these changes in the law on the access and services provided to students with disabilities?

One of the research activities carried out under the Act will be an evaluation of the impact of the performance standards and measures on the participation of students in vocational programs, especially students who are members of the special populations. In addition, the Office of Education Research and Improvement shall conduct a national assessment of vocational programs, which will include an evaluation of the access to high quality programs of students who are members of special populations. The assessment will also include information on the impact of this legislation on the delivery of services to the special populations.

The law also authorizes the establishment of a data system which will include information on the extent of participation of individuals with disabilities in vocational education programs.

The Secretary must ensure that appropriate methodologies are used in assessments of students with disabilities to ensure valid and reliable comparisons with the general student population.

SPECIAL PROGRAMS

Are there any new programs authorized under the act that contain special provisions for the participation of individuals with disabilities?

Business-Labor-Education Partnership for Training. The purpose of this program is to provide schools with the resources necessary to improve the quality of their vocational programs and to fulfill the needs of businesses for skilled employees in key occupational areas. Funds will be distributed to schools on a competitive basis for programs to, among other things, increase the access to, and quality of, programs for individuals who are members of the special populations.

Tech-Prep Education Programs. This program will consist of 2 years of secondary school preceding graduation, and 2 years of higher education following secondary instruction, with a common core of required proficiency in mathematics, science, communications, and technologies designed to lead to an associate degree or certificate in a specific career field. All programs must provide equal access to the full range of technical preparation programs to individuals who are members of special populations, including the development of services appropriate to the needs of such individuals.

Vocational Education Lighthouse Schools. Grants will be provided to secondary schools and area vocational schools to establish and operate high quality, model vocational programs. Among other things, the funds may be used to develop and disseminate model approaches for meeting the education training needs and career counseling needs of minority students, disadvantaged students, students with disabilities, and students with limited English proficiency.

GIFTED AND TALENTED

Are there any provisions in the law for individuals who are gifted and talented?

The Secretary is authorized to provide grants to institutions of higher education to provide awards, grants, and stipends for, among other things, attracting vocational education students who are gifted and talented into further study and professional development.

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Donn E. Brolin, Editor

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- Achieving socially responsible behavior
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- Achieving independence
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